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10/557,634	11/17/2005	Robert Albertus Bondijk	NL030538	4030

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EXAMINER

SASINOWSKI, ANDREW

ART UNIT	PAPER NUMBER
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4163

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,634	Applicant(s) BONDIJK, ROBERT ALBERTUS	
	Examiner ANDREW J. SASINOWSKI	Art Unit 4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/13/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because it contains a typographical error: Applicant claims “receiving a user instruction to read a specific piece of information,” it appears this was meant to read “receiving a user instruction to write a specific piece of information”.

Correction / clarification is required.

2. Claims 12 – 14 are objected to because of the following informalities: each of claims 12 through 14 refer to a ‘relatively fast access storage medium’ and a ‘relatively slow storage medium’. It is unclear what fast and slow are relative to in this context.

Appropriate correction is required.

3. Claim 13 is also objected to because it refers to ‘said relatively fast access storage medium’. Claim 13 is an independent claim, and there is no antecedent basis for the storage medium in this case.

4. Claim 14 is also objected to because it refers to ‘said storage device’, and ‘said relatively fast access storage medium’, neither of which have antecedent basis in this independent claim.

5. Applicant should also note that reference numerals listed in the claims are given no patentable weight.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5 - 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Applicant is further reminded that the use of reference figures in brackets is not given any patentable weight. For claims 5 – 10, reference numerals are used in an attempt to define claim limitations, and as a result, when the claims are read without the information inside the brackets, the claims are incomplete.

9. Furthermore, claims 5 – 7 and 9 – 10 claim a product and a process in the same claim. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph [see MPEP 2173.05(p), section 2].

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 2, 7 and 12 - 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ro et. al. [US 6137767].

Regarding claim 1, Ro teaches:

- Optical disc **[abstract]**
- suitable for optically storing information in multiple sessions **[col. 5, lines 10-15]**,

- having a memory chip **[fig. 2b, 60]** containing session information stored therein **[col. 5, lines 10-15]**.

Regarding claim 2, Ro teaches:

- Optical disc according to claim 1 **[see above]**,
- the disc having at least one track for storing information **[fig. 2a, note that an optical disc inherently will have at least one track for storing information]**,
- a lead-in portion of the track also containing session information recorded therein **[fig. 2a, 30]**.

Regarding claim 7, Ro teaches:

- Optical disc drive apparatus for writing optical information into an optical disc according to claim 1 **[see above]**,
- the optical disc drive apparatus being capable of reading session information from said memory chip and using this information when accessing the optical disc **[col. 2, lines 18-32]**,
- the optical disc drive apparatus being adapted to store session information into said memory chip after having performed a write operation **[col. 5, lines 10-15]**.

Regarding claim 12, Ro teaches:

- Storage device **[fig. 2a, 100]**
- comprising a relatively slow access storage medium **[fig. 2a, 100]**
- and a relatively fast access storage medium **[fig. 2a, 60]**

- containing format information and/or state information relating to the data stored in said relatively slow access storage medium **[col. 5, lines 10-15]**.

Regarding claim 13, Ro teaches:

- Reading apparatus for reading information from said storage device **[abstract]**,
- the reading apparatus being adapted for reading information from said relatively fast access storage medium **[abstract]**
- and using this information when accessing the relatively slow access storage medium **[col. 2, lines 18-32]**.

Regarding claim 14, Ro teaches:

- Writing apparatus for writing information to said storage device **[abstract]**,
- the writing apparatus being adapted for reading information from said relatively fast access storage medium **[abstract]**
- and using this information when accessing the relatively slow access storage medium **[col. 2, lines 18-32]**,
- the writing apparatus being further adapted to store information into said relatively fast access storage medium after having performed a write operation to said relatively slow access storage medium **[claim 15]**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Asakura [US 5119353].

Regarding Claim 3, Ro teaches:

- Optical disc drive apparatus for reading optical information from an optical disc according to claim 1 **[see above]**,
- the optical disc drive apparatus being adapted for reading session information from said memory chip **[claim 1]**

However, Ro does not teach:

- using reading session information when accessing the optical disc.

Asakura does teach:

- using reading session information when accessing the optical disc **[col. 2, lines 33-65]**.

5. It would have been obvious at the time of invention to one of ordinary skill in the art to combine the reading of session information taught by Asakura with the device taught by Ro because doing so would have a predictable result, namely that reading session information from a memory chip will result in faster reading access of specific optical disc addresses.

Regarding claim 4, Ro in view of Asakura teach the optical disc drive apparatus as taught in claim 3 **[see above]**.

Asakura also teaches:

- means for receiving and rotating an optical disc **[fig. 2]**;
- an optical system and an actuator system, controlled by a control circuit, for scanning tracks of the disc using an optical beam for reading information from said track **[fig. 2]**;
- a chip reader/writer device, coupled to an input/output port of the control circuit, adapted for communication with said chip of the disc **[fig. 2, items 30, 30', 31 – 34, 20]**;
- wherein the control circuit is adapted, in response to a read command, to read session information from said chip **[claim 5]**.

6. It would have been obvious at the time of invention to one of ordinary skill in the art to combine the device taught by Asakura with the device taught by Ro because doing so would have a predictable result, namely that reading session information from a memory chip will result in faster reading access of specific optical disc addresses.

Regarding claim 5, Ro in view of Asakura teach the optical disc apparatus as according to claim 4 **[see above]**. Furthermore, Asakura also teaches:

- the optical disc drive apparatus being adapted for performing an information reading method comprising the following steps:
- receiving a user instruction to read a specific piece of information **[col. 5, lines 26-45]**;

- consulting **[col. 5, lines 26-45]** the session information in memory chip (60);
- determining the position where the required information is to be found **[col. 5, lines 26-45, note that the apparatus determines if the information is prerecorded on the memory chip in this case];**
- jumping to the location determined **[col. 5, lines 26-45]**.

This claim rejection is made as best understood in light of the 112 2nd rejection made above.

7. It would have been obvious at the time of invention to one of ordinary skill in the art to combine the device taught by Asakura with the device taught by Ro because doing so would have a predictable result, namely that reading session information will take less time due to the presence of the memory chip.

Regarding claim 6, Ro in view of Asakura teach the optical disc apparatus as according to claim 5 **[see above]**. Furthermore, Ro also teaches:

- wherein the optical disc drive apparatus is adapted to first check whether the disc carries a memory chip with session information **[claim 12]**.

This claim rejection is made as best understood in light of the 112 2nd rejection made above.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Liu et. al. [US 6356517]

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Ro teaches:

- Optical disc drive apparatus according to claim 7 **[see above]**,
- means for receiving and rotating an optical disc **[fig. 2]**;
- an optical system and an actuator system, controlled by a control circuit for scanning tracks of the disc using an optical beam for writing information into said track or for reading information from said track **[fig. 2]**;
- a chip reader/writer device, coupled to an input/output port of the control circuit, adapted for communication with said chip of the disc **[fig. 2, items 30, 30', 31 – 34, 20]**;

However, Ro does not teach:

- wherein the control circuit is adapted, in response to a write command, to read session information from said chip;

Liu does teach:

- wherein the control circuit is adapted, in response to a write command, to read session information from said chip **[col. 2, lines 56 – 59, note that a security key that prevents writing to unauthorized persons inherently requires information to be read from the chip when a write command is given]**;

9. It would have been obvious at the time of invention to one with ordinary skill in the art to combine the control circuit adaptation taught by Liu with the device taught by

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Ro because doing so would provide a predictable result, namely that the disk could provide protection against unauthorized writing.

10. Claims 9 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Liu as applied to claim 8 above, and further in view of Asakura.

11. Regarding Claim 9 Ro in view of Liu teach the optical disc drive apparatus according to claim 8, as discussed above.

Ro also teaches:

- the optical disc drive apparatus being adapted for performing an information writing method comprising the following steps:
- receiving a user instruction to write a specific piece of information [**col. 5, lines 6-10, note that there inherently is a requirement that a user commands a disc writer to write before any writing will occur**];
- writing the information in a new session; after having completed the new session, writing updated session information into the memory chip [**col. 5, lines 6-10**].

However, Ro in view of Liu does not teach:

- consulting the session information in memory chip;
- determining a free track portion where writing may take place;
- jumping to a position at the beginning of the track portion;

Asakura does teach:

- consulting the session information in memory chip [**col. 5, lines 26-45**];

- determining a free track portion where writing may take place [**col. 5, lines 26-45**];
- jumping to a position at the beginning of the track portion [**col. 5, lines 26-45, note claim never specifies that writing be done on disc rather than the chip**];

12. It would have been obvious at the time of invention to one with ordinary skill in the art to combine the device taught by Ro in view of Liu with the steps taught by Asakura because doing so would have a predictable result, namely that new data could be written on the chip.

13. The Claim 9 rejection is made as best understood in light of the 112 2nd rejection made above.

14. Regarding claim 10, Ro in view of Liu in further view of Asakura teach the apparatus as taught in claim 9. Furthermore, Ro teaches

- wherein the optical disc drive apparatus is adapted, to first check whether the disc carries a memory chip with session information [**claim 14**];

15. The Claim 10 rejection is made as best understood in light of the 122 2nd rejection made above.

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Wu et. al. [US 6298023].

Ro teaches the device as taught in claim 7 [**see above**].

However, Ro does not teach:

- Optical disc drive apparatus, capable of performing a random write operation on a recordable optical disc (R-type).

Wu does teach:

- Optical disc drive apparatus, capable of performing a random write operation on a recordable optical disc (R-type) **[col. 4, lines 27]**.

17. It would have been obvious at the time of invention to one with ordinary skill in the art to combine the device taught by Ro with the device taught by Wu because doing so would have a predictable result, namely that a R-type disc could be written.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW J. SASINOWSKI whose telephone number is (571)270-5883. The examiner can normally be reached on Monday to Friday, 7:30 to 5:00, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJS

/Mark A. Robinson/

Supervisory Patent Examiner, Art Unit 4163